

CLERK US DISTRICT COURT  
NORTHERN DIST. OF TX  
FILED

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED STATES OF AMERICA

v.

DEREK HUTTER

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NO. 3:14-CR-495-M

**FACTUAL RESUME**

Derek Hutter, (the defendant), E.X. Martin, (the defendant's attorney), and the United States of America, (the government) agree to the law and facts as follows:

**ELEMENTS OF THE OFFENSE**

Count One  
Enticement of a Minor  
(Violation of 18 U.S.C. § 2422(b))

To establish the offense alleged in Count One of the Superseding Information, the government must prove the following elements beyond a reasonable doubt:

- First: That the defendant knowingly used a facility or means of interstate commerce, that is, the telephone or the Internet, to persuade, induce, entice, or coerce, an individual under the age of eighteen (18) to engage in sexual activity, or attempted to do so;
- Second: That the defendant believed that such individual was less than eighteen (18) years of age; and
- Third : That the defendant could have been charged with a criminal offense for engaging in the specified sexual activity.

**STIPULATED FACTS**

The stipulated facts that support the defendant's plea of guilty to Count One of the Superseding Information are as follows:

1. Hutter admits that from on or about January 1, 2014, through on or about September 15, 2014, in the Dallas Division of the Northern District of Texas, he used the Internet, email, and his cell phone, facilities and means of interstate and foreign commerce, to knowingly persuaded, induced and enticed a minor, Jane Doe, who was between the ages of 13 and 14 years old, to engage in sexual activity for which he could have been charged with a criminal offense, specifically a violation of Sec. 21.11, Texas Penal Code, that is, Indecency with a Child, which makes it a crime to intentionally and knowingly, with a child under the age of 17, with intent to gratify the sexual desire of any person, cause the child to expose the child's genitals.
2. More specifically, Hutter was the youth minister at the South Garland Baptist Church. The minor girl, Jane Doe, was one of the youth who participated in his youth group. Hutter used his cell phone, the Internet, and email to communicate with Jane Doe as well as person to person contact at youth group. During these conversations, he convinced Jane Doe to have a sexual relationship with him. Hutter sexually assaulted Jane Doe on several occasions between on or about January 1, 2014 through on or about September 15, 2014, by penetrating her genitals with his penis.
3. In addition, Hutter emailed Jane Doe and requested that she send him sexually

explicit and lewd and lascivious photos of herself naked and in different sexual positions. In particular, on August 15, 2014, Hutter requested that Jane Doe text him specific photos of herself nude including: (1) placing objects in her anus, (2) putting her panties inside her genitals, (3) putting her fingers inside her genitals and anus, and (4) taking a photo of herself lubricated and naked.

4. Hutter admits and acknowledges that he communicated via the Internet, his email account and a cell phone with Jane Doe knowing that she was between the ages of 13 and 14 years old. The purpose of speaking with Jane Doe was to entice her to engage in sexual acts with him, including exposing her genitals to him to gratify his sexual desire. He also admits to requesting that she send him sexually explicit photos of herself.

5. Hutter admits that he used the Internet, his cell phone and his email in the Northern District of Texas when he engaged in the conduct described in Count One of the Superseding Information. He acknowledges that his cell phone, email, and the Internet are facilities of interstate and foreign commerce. Hutter also acknowledges that it is a crime in the State of Texas, specifically a violation of Sec. 21.11, Texas Penal Code, that is, Indecency with a Child, to intentionally and knowingly, with a child under the age of 17, with intent to gratify the sexual desire of any person, to cause the child to expose the child's genitals.

AGREED TO AND SIGNED this 14 day of May, 2015.

JOHN R. PARKER  
ACTING UNITED STATES ATTORNEY

  
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Defendant

  
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